

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

M.T. SHANNON,

Plaintiff,

v.

HOWARD MOSELEY,

Defendant.

Case No. 2:22-cv-01530-KJM-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On November 7, 2022, I screened plaintiff's complaint, notified him that it failed to state a claim, and gave him thirty days to file an amended complaint. ECF No. 7. I also warned him that failure to comply with the November 7 order could result in dismissal of this action. *Id.* at 4. Plaintiff did not file an amended complaint. Accordingly, on December 22, 2022, I ordered him to show cause within twenty-one days why this action should not be dismissed. ECF No. 10. I notified him that if he wished to continue with this action he must file, within twenty-one days, an amended complaint. I also warned him that failure to comply with the order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and plaintiff has not filed an amended complaint or otherwise responded to the December 22, 2022 order.

Accordingly, it is hereby RECOMMENDED that:

1. This action be dismissed for failure to prosecute, failure to comply with court orders,

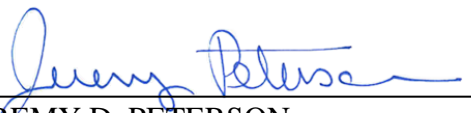
1 and failure to state a claim, for the reasons set forth in the November 7, 2022 order.

2 2. The Clerk of Court be directed to close the case.

3 I submit these findings and recommendations to the district judge under 28 U.S.C.
4 § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court,
5 Eastern District of California. The parties may, within 14 days of the service of the findings and
6 recommendations, file written objections to the findings and recommendations with the court.
7 Such objections should be captioned “Objections to Magistrate Judge’s Findings and
8 Recommendations.” The district judge will review the findings and recommendations under 28
9 U.S.C. § 636(b)(1)(C).

10 IT IS SO ORDERED.

11
12 Dated: March 7, 2023

13 
14 JEREMY D. PETERSON
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28